

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND SHELTON,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 2:20-cv-04178-JMG
	:	
CITY OF PHILADELPHIA, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

AND NOW, this 30th day of August, 2021, upon consideration of Defendants Blanche Carney and City of Philadelphia's motion to dismiss (ECF No. 12), and Defendant Larry Krasner's motion to dismiss (ECF No. 18), and for the reasons outlined in the accompanying memorandum opinion, it is hereby **ORDERED as follows**:

1. Defendant Larry Krasner's motion (ECF No. 18) is **GRANTED**. The claims against Defendant Krasner in his individual and official capacity are **DISMISSED with prejudice**.
2. Defendants Blanche Carney and City of Philadelphia's motion is **GRANTED**.
 - a. The claims against Defendant Carney in her individual capacity are **DISMISSED without prejudice**.
 - b. The claims against Defendant Carney in her official capacity are **DISMISSED with prejudice**.
 - c. The request for injunctive relief associated with the claim against the City of Philadelphia alleging unconstitutional prison conditions caused by the covid-19 pandemic is **DISMISSED without prejudice** to pursue through the pending proposed class action *Remick v. City of Phila.*, No. 20-1959 (E.D. Pa.).

- d. The claims against the City of Philadelphia are **DISMISSED without prejudice**.
3. All claims against Defendant Kier Bradford Grey in her official and individual capacities are **DISMISSED with prejudice**.
4. The Sixth Amendment speedy trial claim is **DISMISSED without prejudice**.
5. Shelton may file an amended complaint no later than **thirty (30) days** from the date of this Order, if he chooses to do so and in the event he can allege additional facts to reassert the claims dismissed without prejudice. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Shelton's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 20-4178. If Shelton files an amended complaint, his amended complaint must be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Shelton should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum.
6. The Clerk of Court is **DIRECTED** to send Shelton a blank copy of this Court's current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number. Shelton may use this form to file his amended complaint if he chooses to do so.
7. If Shelton does not wish to amend his Complaint and instead intends to stand on his Complaint as originally pled, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case, 20-4178. *See Weber v. McGrogan*,

939 F.3d 232 (3d Cir. 2019) (“If the plaintiff does not desire to amend, he may file an appropriate notice with the district court asserting his intent to stand on the complaint, at which time an order to dismiss the action would be appropriate.” (quoting *Borelli v. City of Reading*, 532 F.2d 950, 951 n.1 (3d Cir. 1976))).

8. If Shelton fails to file any response to this Order, the Court will conclude that Shelton intends to stand on his Complaint and will issue a final order dismissing this case. *See Weber*, 939 F.3d at 239–40 (explaining that a plaintiff’s intent to stand on his complaint may be inferred from inaction after issuance of an order directing him to take action to cure a defective complaint).

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge